

REMARKS

Claims 16-27 and 29-44 are pending in this application. By this Amendment and Response, all claims have been cancelled and new claims 45-81 presented. It is believed that all claims as now presented overcome the rejections of record and present patentable subject matter for which allowance is respectfully requested.

Claim Amendments

For convenience and ease of review, Applicant has rewritten the claims, rewording the claims in some instances for ease of understanding and differentiation. Applicant has presented four independent claims, claims 45 and 58 corresponding to prior claims 16 and 29, respectively. New independent claims 68 and 75 merely claim the displays themselves containing the high intensity backlighting apparatus presented in independent claims 45 and 59. The dependent claims, for the most part, mimic the prior dependent claims.

Notwithstanding the foregoing, Applicant has made two substantive changes to the independent claims. First, Applicant has moved the limitation for a reflective background to dependent claims. Second, and most critically, Applicant has further characterized the orientation and operation of the apparatus indicating that light emitted from the point sources passes directly from the point source to the diffuser panel, or if present, the panel of Fresnel lenses. Additionally, Applicant has further stated that the panels define a plane with each plane parallel to and each panel overlaying the other. Finally, Applicant has stated that the panels are in the order presented. All of these amendment are fully supported by the specification and, most notably, Figure 1. No new matter is entered.

Discussion

Despite the current presentation of four independent claims, the full scope and breadth of these claims have already been searched. Applicant has merely elected to present them in a more partitioned perspective for enforcement purposes, should enforcement be necessary. Specifically, as noted above, new independent claims 45 and 58, but for the added limitations regarding orientation and operation of the panels, has already been search and examined. New independent claims 68 and 75 merely claim the displays themselves and inherently possess the display panel of independent claims 45 and 58.

As noted above, Applicant has moved the claim limitation relative to the reflective background to the dependent claims as such is not seen as necessary to patentability. Its prior inclusion in the independent claims was employed to help overcome Ochiai; however, clearly Ochiai does not possess a plurality of panels, including most critically a panel comprising a grid of high intensity light sources, wherein **each panel overlays each other in a stacked or parallel relationship**, as now required by each of the independent claims. Rather, Ochiai uses LEDs to edge-light its light guide plate. Edge lighting is critical to and essential to the operation and function of its light guide plate.

Relative to the rejections raised in the Office Action of February 23, 2010, specifically the anticipation rejection over Pelka (US 6,007,209), Applicant has further revised the text of independent claims 45 and 68 to recite the phrase:

“the light passing directly from the point sources to the diffuser panel”

and independent claims 58 and 75 to recite the phrase:

“the light passing directly from the point sources to the Fresnel lenses and, subsequently, to the diffuser panel.”

Both of these phrases make clear that the light is emitted from the point sources and passes directly to the adjacent panel, whether it be a diffuser panel or a panel of Fresnel lenses. However, it is to be understood that Applicant contemplates and does not rule out the possibility that other transparent/translucent panels or films may be placed intermediate the claimed panels. Furthermore, Applicant acknowledges that light reflecting off its background will also travel to the claimed panels; however, this is secondary to the primary light which flows directly from the source to the panels, with or without passing through other intervening panels.

Pelka, on the other hand, employs shields (58) over each of its light sources aligned on its bottom panel so that the light cannot and does not directly first illuminate in the direction of the overlaying panels. Specifically, Pelka states:

“Illumination is provided by light emitting devices that are shielded by shielding elements. The emitting devices and shielding elements are positioned such that the emitted light is substantially uniformly

distributed throughout the cavity, thereby eliminating bright spots (i.e., “hot spots”) in the display panel.” (Col. 1, lines 50-55 — Emphasis added)

Pelka relies upon and requires its light to first be reflected, either off the shields or another surface in the device before it reaches the diffuser panel. This is how it attains its substantial uniformity within the cavity. Clearly, Pelka neither anticipates nor makes obvious the present independent claims as Applicant is doing exactly the opposite and that which Pelka teaches not to do, namely allowing for direct illumination of the diffuser. This is even more apparent with respect to the presence of the panel of Fresnel lenses which only exacerbate the problem that Pelka seeks to avoid or overcome by softening its light through reflection.

Furthermore, since Pelka fails to teach or make obvious Applicant’s claimed limitations, and consequently, construction, the rejections based on the combined teachings of Pelka with Shimada et. al. (US 6,020,867); Shimada and Holmes (US 4,243,719); Boyd (US 6,663,262); Abileah (US 7,280,102) and Boyd and Abileah, also fail as none of these secondary and/or tertiary references disclose the apparatus as now claimed or make up for the shortcomings of Pelka.

Applicant’s failure to respond to each and every ground of rejection should not be misconstrued as an acquiescence to the veracity of those grounds of the rejection. Rather, in an effort to be concise in this response, particularly in light of the new claims and the clear distinction between the presently claimed invention and the primary reference, Applicant has elected to forgo such discussion as Applicant believes the issues raised there are now moot.

Extension of Time.

Applicant hereby petitions for a three (3) month extension of time, thereby extending the response period from May 23, 2010 to and including August 23, 2010. Applicant will pay, concurrent with the filing of this Response the Extension of Time fee in the amount of \$555.00.

Claims Fees

Prior to this response, Applicant had paid for 3 independent claims and a total of 28 claims. By this response, Applicant now presents 4 independent claims and a total of 38 claims for a net increase of 1 independent claim and 10 dependent claims. Thus, additional claims fees

are due in the amount of \$344.00 (1 extra independent claim \$110 and 9 extra dependent claims 9x\$26 for \$234). The fee will be paid concurrent with the filing of this Response.

SUMMARY

Applicant submits this Amendment and Response together with a Request for Continued Examination. Based on the claim amendments and the discussion above, Applicant believes the claims as currently presented are patentable over the art of record: Applicant having fully and patentably distinguished his invention from the teachings of the art. Accordingly, Applicant respectfully requests that the claims as now presented be entered and passed on to allowance.

It is believed that this response is fully responsive to the Office Action of February 23, 2010. Should Applicant's belief be in error or should the Examiner have any questions or desire to discuss this application in general or this response in particular, the Examiner is kindly requested to contact the undersigned. Submitted herewith is a New Power of Attorney to the undersigned.

Respectfully Submitted

/EKWII/

Edward K. Welch II
Reg. No. 30,899
Telephone 781-718-9512
IP&L Solutions
4558 Ashton Court
Naples, FL 34112